



Senator Feinstein Calls for Careful
Congressional Oversight of the Patriot Act
September 21, 2004

Washington, DC – In a statement entered in to the record of a Judiciary Committee Hearing, U.S. Senator Dianne Feinstein (D-Calif.) today called the USA Patriot Act “a major step forward,” but urged Congress to rigorously review the government’s anti-terror efforts, especially the sixteen provisions of the Patriot Act which are scheduled to sunset in December 2005. The following is the text of Senator Feinstein’s statement:

“I want to begin by thanking Chairman Hatch for calling this hearing today on the USA-Patriot Act and the SAFE Act. I believe it is critical that Congress in general, and this Committee specifically, forcefully engage in oversight over the implementation of the USA-Patriot Act. I would also like to welcome our distinguished panels, including by colleagues Senators Durbin and Craig, as well as Deputy Attorney General James Comey. I would also like to welcome our third panel, including Congressman Barr and Mr. Collins. I look forward to your testimony.

The USA-Patriot Act is one of the most consequential laws that have been passed by the Congress. In many respects it made fundamental, and I believe much needed, changes in the authorities given to our intelligence and law enforcement agencies to prevent, and if necessary respond to, terrorism.

I have been very clear since before September 11th 2001: I believe that we face a dangerous and insidious enemy who will stop at nothing to attack and kill Americans. Al Qaeda terrorists, and those groups who share their fanatical and violent views, must be the focus of our intelligence, law enforcement, military and diplomatic efforts. To accomplish that aim we need to ensure that the legal authorities available are adequate and appropriate to meet this need.

In retrospect, I am increasingly convinced that the USA-Patriot Act represents a major step forward, and is symbolic of what can be accomplished by bipartisanship in the Congress, and hard work alongside the Executive Branch. But major steps in law present dangers. Sweeping revisions need to be carefully monitored, examined and re-examined. We need to thoughtfully and rigorously assess whether the laws we have passed accomplish our intentions.

The USA-Patriot Act is just such a law. In fact, sixteen of the more than one hundred fifty provisions of the act were of such concern that we subjected them to sunset provisions. These sunset clauses were designed to ensure that we carefully looked at each of those provisions and made sure they were working right, accomplished the goals we set, and were being properly and appropriately implemented. Importantly, we set the expiration time for December 2005, to ensure that we did not find our careful review caught up in the Presidential election.

So I want to emphasize the importance of this Committee carefully and continually reviewing all of the USA-Patriot Act provisions, including the sunset provisions, and today's hearing is a step towards fulfilling that responsibility.

Last week I raised some concerns about the Department of Justice's willingness to work with the Congress to facilitate that oversight. I have asked the Department of Justice to complete a 'comprehensive assessment' of the sixteen sunset provisions so we can be as informed as possible about both the pros and cons of each provision. I understand that they are working now to provide that assessment. Similarly, I asked that the Department advise me about the use of Section 215 of the USA-Patriot Act, the so-called 'library provision,' and I have been provided some information, in classified form, in response to my request.

I hope that we can proceed in this fashion, with the Department of Justice working together with Congress to ensure that we can fulfill our responsibility to provide effective oversight, and where necessary, take corrective measures.

I would also like to commend Senators Durbin, Craig and Feingold, who have taken the lead in crafting the other bill we will discuss today – 'The Security and Freedom Ensured Act of 2003,' usually called the SAFE Act. This effort, much like the legislation put forward by Senator Kyl which was the subject of last week's hearing, is a commendable and important effort to begin the process of refining and sharpening the provisions of the USA-Patriot Act.

I hope that we can continue to work together in this manner – carefully considering changes, expansion or limitation of the existing law, or even some new law. I look forward to our distinguished panels, and thank you in advance for your contribution."

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